

EXHIBIT 32

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL PRESCRIPTION : MDL NO. 2804
6 OPIATE LITIGATION :
7 _____ :
8 THIS DOCUMENT RELATES TO: : Case No. 17-md-2804
9 : Judge Dan A. Polster
10 Case Track 8 :
11 _____ :
12 :

13 Wednesday, December 14, 2022

14 HIGHLY CONFIDENTIAL
15 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

16 Remote videotaped deposition of
17 MICHAEL CHAVEZ, commencing at 9:02 a.m., on the above
18 date, before Carol A. Kirk, Registered Merit
19 Reporter, Certified Shorthand Reporter, and Notary
20 Public.

21
22
23 GOLKOW LITIGATION SERVICES
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2 - - -

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13 Bill Geigert, Videographer
14 Gina Veldman, Trial Tech
15
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P R O C E E D I N G S

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THE VIDEOGRAPHER: Good morning.

5

We are now on the record. My name is

6

Bill Geigert. I'm a videographer for

7

Golkow Litigation Services.

8

Today's date is December 14, 2022,

9

and the time is 9:02 a.m.

10

This remote video deposition is

11

being held in the matter of the National

12

Prescription Opiate Litigation for the

13

United States District Court, for the

14

Northern District of Ohio, Eastern

15

Division.

16

The deponent is Michael Chavez.

17

All parties to this deposition are

18

appearing remotely and have agreed to

19

the witness being sworn in remotely.

20

Due to the nature of remote

21

reporting, please pause briefly before

22

speaking to ensure all parties are heard

23

completely.

24

All counsel will be noted on the

1 stenographic record.

2 The court reporter is Carol Kirk,
3 and she will now swear in the witness.

4 - - -

5 MICHAEL CHAVEZ

6 being by me first duly sworn, as hereinafter
7 certified, deposes and says as follows:

8 CROSS-EXAMINATION

9 BY MR. BADALA:

10 Q. Good morning, Mr. Chavez. My name
11 is Salvatore Badala.

12 A. Good morning.

13 Q. Good morning. And we just met
14 just briefly before we started.

15 Have you ever been deposed before?

16 A. No, I don't -- no. This is a
17 first.

18 Q. Okay. All right. I'll tell you
19 some ground rules that we'll have. First, let's
20 start with, what is your current address?

21 A. 608 Earl North Road, Newnan,
22 Georgia. That's 30263.

23 Q. Do you have any plans to move in
24 the next year or so?

1 they had I guess in there with -- you know, that
2 DEA number, they wanted to see if there were any
3 obviously additional, you know, prescriptions in
4 there that were fraudulent.

5 Q. Okay. And it says, "There are PT
6 notes" -- that's patient notes?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes.

10 Q. -- "from August 2019 and
11 January 2020 stating that someone is using this
12 profile to fill fraudulent RXs. However, 1112
13 filled four RXs, and 0753 filled two RXs for
14 this patient since the first note was entered in
15 August."

16 Did I read that correctly?

17 A. Yes.

18 Q. So although there was a patient
19 note in the system stating that someone's using
20 this profile to fill fraudulent prescriptions,
21 Publix pharmacists at Stores 1112 and 0753 were
22 still filling these prescriptions.

23 Is that what that's saying?

24 A. Yes. It says they filled

1 prescriptions for that -- for that particular
2 patient and doctor despite a note being in the
3 system.

4 Q. And not just one prescription, at
5 least six prescriptions; is that right?

6 A. Yeah. Just for a pharmacist, the
7 patient note may not be their source of, you
8 know, due diligence when they're discerning care
9 with their patients.

10 Q. Wait. So a Publix pharmacist is
11 not looking at the patient notes when they're
12 dispensing to a patient at a Publix pharmacy?

13 MS. KAPKE: Object to form.

14 A. So, yeah, patient notes can be
15 used for various reasons. The pharmacist -- you
16 know, every pharmacist is an individual that's
17 probably, you know, going to use different --
18 you know, different methods to, you know,
19 discern care and fill prescriptions for their
20 patients.

21 Q. Then they write, "Please have your
22 pharmacies confirm that these eight
23 prescriptions are also fraudulent so we can
24 reverse them as well."

1 not her," two exclamation points. "ID of person
2 who dropped off script. Last name is Evans.
3 GADL number on hard copy of Percocets."

4 Did I read that correctly?

5 A. Yes.

6 Q. And there's another note a couple
7 months later in January 2020. Sabrina Fincher
8 wrote it: "Shanteisha Ervin DL" -- and we have
9 some redactions -- "is the one dropping off the
10 forgeries."

11 Did I read that correctly?

12 A. Yes.

13 Q. Okay. Even though these notes
14 were there, the pharmacists at Publix were still
15 filling these prescriptions which included
16 prescriptions for oxycodone, right?

17 A. The pharmacists at those three
18 stores at Publix, yes.

19 Q. Were filling those still?

20 A. Yes.

21 Q. And that's not a good thing,
22 right?

23 A. It would have been nice if they'd
24 looked at that note, because they would have

1 never filled it if they saw that note.

2 Q. Right. And would you agree

3 filling fraudulent prescriptions is not a good

4 thing?

5 A. No pharmacist ever wants to fill a

6 fraudulent prescription. So, yeah, I would

7 agree that that's not a good thing.

8 Q. It's also against the law to fill

9 a fraudulent prescription; is that right?

10 MS. KAPKE: Object to form.

11 Go ahead.

12 A. So knowingly filling a fraudulent

13 prescription, that prescription was written, and

14 based on the information presented, could not be

15 deemed fraudulent at that moment of filling.

16 Q. And going back to when we spoke

17 earlier, filling a forged prescription you told

18 me is diversion, right?

19 A. So filling a forged

20 prescription -- so basically knowingly

21 filling -- diversion is, what, loss of

22 inventory. I'm not -- so, yeah, I mean, filling

23 one could be considered diversion, for sure.

24 We've got medication in the wrong hands.